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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,443	12/03/2003	Shigeo Azuma	JP920020191US1	6707

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EXAMINER
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GODBOLD, DOUGLAS

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/23/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/23/2007.

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RSWIPLAW@us.ibm.com

**Office Action Summary**

Application No.

10/726,443

Applicant(s)

AZUMA, SHIGEO

Examiner

Douglas C. Godbold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20031203, 20060823.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to application 10/726,443 filed December 3, 2003. Claims 1-18 are pending in the application and have been examined.

### ***Priority***

2. This application claims priority to Japanese application 2002-362879 filed December 13, 2003. This priority date has been considered in the office action.

### ***Information Disclosure Statement***

3. The Information Disclosure Statements filed December 3, 2003 and August 23, 2006 have been considered in this office action.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 13-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13-18 attempts to claim a computer program product. However this can be interpreted as computer code. Computer code is considered non-statutory material under 35 U.S.C. 101 as it is non-tangible. Therefore these claims are rejected under 35 U.S.C. 101.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, and 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishino et al. (US Patent 5,295,068).

8. Consider claim 1, Nishino teaches a translation server for translating an entered text and providing a translated text (Figure 1, Machine–translation / Electronic-Mail system 1), comprising:

a translation processing unit for executing a text translation process (translation means, 6.); and

a dictionary storage unit for storing a general dictionary file referred to in the text translation process (standard dictionary 7) and a virtual dictionary file created for a session and temporarily used in the text translation process during the session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.).

9. Consider claim 2, Nishino teaches the translation server according to Claim 1, wherein the virtual dictionary file stored in the dictionary storage unit is created when

the session begins and erased when the session ends (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

10. Consider claim 3, Nishino teaches a collaboration server for supporting a collaborative session with a plurality of terminals exchanging data via a network (Figure 1, Machine-translation / Electronic-Mail system 1), comprising:

a session management unit for managing a session of collaborative work with the plurality of terminals (electronic mail receiving unit 4 and electronic mail transmitting unit 5.);

a translation processing unit for translating a text in a first language entered during the session with a first terminal into a second language used in a second terminal participating in the session (translation means, 6.); and

a dictionary management unit for creating and managing a session-specific dictionary file used by the translation processing unit during the session (Figure 1, Word temporarily registering means 9. Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.)

11. Consider claim 4, Nishino teaches the collaboration server according to Claim 3, wherein the dictionary management unit creates the session-specific dictionary when the session starts and erases the session-specific dictionary file when the session ends

(Figure 5A, Words are registered in private use dictionary before each translation session, step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

12. Consider claim 5, Nishino teaches the collaboration server according to Claim 3, wherein the dictionary management unit creates a session-specific dictionary file for each terminal participating in the session (Figure 7A shows user specific private dictionaries that require IDs to access, specific to teach user. This is described in detail Column 13, line 34 - Column 14, line 65.)

13. Consider claim 7, Nishino teaches an information processor Figure 1, Machine-translation / Electronic-Mail system 1), comprising:

input means for entering a text described in a first language computer on left outputting email 3 to receiving unit 4);

translation processing means for translating the text into a second language to create a translation text (translation means 6);

dictionary storage means for storing a general dictionary file referred to in the translation process executed by the translation processing means (standard dictionary 7);

virtual dictionary storage means for storing a virtual dictionary file used in the translation process executed by the translation processing means during a session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.); and

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output means for outputting the translation text created by the translation processing means (computer on right receiving translated email from transmitting unit 5).

14. Consider claim 8, Nishino teaches the information processor according to Claim 7, wherein the virtual dictionary file stored in the virtual dictionary storage means is created with specificity to the session (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

15. Consider claim 9, Nishino teaches the information processor according to Claim 7, wherein the virtual dictionary file stored in the virtual dictionary storage means is created at the start of the session and erased at the end of the session (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

16. Consider claim 10, Nishino teaches a machine translation method for translating a text described in a first language into a second language with a computer (using system of figure 1), comprising the steps of:

creating, in a memory, when a session starts, a dictionary file used in a translation process executed during the session, the dictionary file being specific to the

session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.);

registering a word and its usage in the dictionary file specific to the session (A temporarily-registering means 9 of the machine-translation/electronic-mail system 1 temporarily stores in a private-use dictionary 10 (temporarily used in the translation process as a private-use word dictionary) the private-use word extracted by the word-definition recognition means 8; column 3, line 25.); and

translating text entered during the session referring to the dictionary file specific to the session (If the word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation; column 4, line 25.).

17. Consider claim 11, Nishino teaches the machine translation method according to Claim 10, wherein the step of translating gives higher priority to the dictionary file specific to the session than to a general dictionary file (If the word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation. If the word's meaning in the target language is not found in the temporary dictionary, the standard dictionary is then looked up by the translation means 6 of the system 1 to obtain a translation result of the source text; column 4, line 25.).

18. Consider claim 12, Nishino teaches the machine translation method according to Claim 10, further comprising the step of erasing the dictionary file specific to the session



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when the session ends (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

19. Consider claim 13, Nishino teaches a computer program product for causing a computer to perform method steps for translating a text described in a first language into a second language (Using figure 1, as this system deals with computer text messages, it is inherent that the system is operated using a computer program product.), said method steps comprising:

creating, in a memory, when a session begins, a dictionary file specific to the session, used in a translation process executed during the session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.);

registering a word and its usage in the dictionary file specific to the session (A temporarily-registering means 9 of the machine-translation/electronic-mail system 1 temporarily stores in a private-use dictionary 10 (temporarily used in the translation process as a private-use word dictionary) the private-use word extracted by the word-definition recognition means 8; column 3, line 25.); and

translating text entered during the session, referring to the dictionary file specific to the session created when the session starts (If the word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation; column 4, line 25.).

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20. Consider claim 14, Nishino teaches the computer program product according to Claim 13, wherein the method steps further comprise the step of erasing the dictionary file specific to the session when the session ends (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

21. Consider claim 15, Nishino teaches a computer program product for causing a computer to execute method steps for translating a text described in a first language into a second language (Using figure 1, as this system deals with computer text messages, it is inherent that the system is operated using a computer program product.), said method steps comprising:

creating, in a memory, when a session begins, a dictionary file specific to the session used in a translation process executed during the session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.);

registering a word and its usage in the dictionary file specific to the session (A temporarily-registering means 9 of the machine-translation/electronic-mail system 1 temporarily stores in a private-use dictionary 10 (temporarily used in the translation process as a private-use word dictionary) the private-use word extracted by the word-definition recognition means 8; column 3, line 25.);

referring to the dictionary file that is specific to the session with higher priority than a general dictionary file when translating text entered during the session (If the

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word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation. If the word's meaning in the target language is not found in the temporary dictionary, the standard dictionary is then looked up by the translation means 6 of the system 1 to obtain a translation result of the source text; column 4, line 25.); and

erasing the dictionary file specific to the session when the session ends (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

22. Consider claim 16, Nishino teaches a computer program product for causing a computer to execute method steps for supporting collaborative work with a plurality of terminals exchanging data via the network (Using figure 1, as this system deals with computer text messages, it is inherent that the system is operated using a computer program product.), said method steps comprising:

reflecting work conducted by a first terminal on an output of a second terminal during a session (Following the path of email 3, it is obvious that an email sent on the first computer will appear on the second terminal.);

translating a text entered in the first terminal using a first language into a second language used in the second terminal (using translating means 6); and

creating and managing a dictionary file used in the step of translating, wherein the dictionary file is specific to the session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9-

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21. Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

23. Consider claim 17, Nishino teaches the program product according to Claim 16, wherein the dictionary file specific to the session is created at the beginning of the session and erased at the end of the session (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

### ***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

26. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino in view of Seme (US PgPub 2003/0125927).

27. Consider claim 6, Nishino teaches the collaboration server according to Claim 3, wherein, the dictionary management unit creates a session-specific dictionary file corresponding to a user when the starts the session and erases the session-specific dictionary file when the user exits the session (Figure 5A, Words are registered in private use dictionary before each translation session, step S10 and deleted after the translation, step S12; column 9, lines 13-38. Figure 7A shows user specific private dictionaries that require IDs to access, specific to teach user. This is described in detail Column 13, line 34 - Column 14, line 65.), but Nishino does not teach specifically that the session is a chat session.

In the same field of computer text translation, Seme teaches providing translation services for chat sessions or instant message (IM) sessions (Figure 4.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the translation method as taught by Nishino with the translation of chat sessions as taught by Seme in order to provide method for real time multilingual chat communication (Seme paragraph 0005).

28. Consider claim 18, Nishino teaches a computer program product for causing a computer connected to a network to execute method steps for providing an electronic communication system (Using figure 1, as this system deals with computer text messages, it is inherent that the system is operated using a computer program product.), said method steps comprising:

translating a text entered in a first terminal participating in a communication into a language used in a second terminal participating in the communication (using translation means 6);

copying, by a terminal that enters the communication, a session-specific dictionary file used in translating the text (figure 5A, private user dictionary 41 is shared with other users, column 9, line 22.); and

erasing the session-specific dictionary file from the terminal when the terminal leaves the communication session Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.), but Nishino does not specifically teach that the communication system is a chat system, nor that there are at least three terminals.

In the same field of computer text translation, Seme teaches using translation on a chat or IM system (Figure 4.) and having at least three terminals (figure 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the translation method as taught by Nishino with the translation of chat sessions as taught by Seme in order to provide method for real time multilingual chat communication (Seme paragraph 0005).

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is included on the Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas C. Godbold whose telephone number is (571) 270-1451. The examiner can normally be reached on Monday-Thursday 7:00am-4:30pm Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG

  
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SUPERVISORY PATENT EXAMINER